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VIA ECF

The Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hadiyah Charles v. City of New York, et al., 12 Civ. 6180 (SLT)(SMG)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. I write to respectfully bring Judge Schofield's recent decision in Gonzalez v. City of New York, et. al., 14 CV 7721 (LGS), 2015 U.S. Dist. LEXIS 151810, at *17-21 (S.N.D.Y. Nov. 9, 2015), to Your Honor's attention as it relates to defendants' pending motion for summary judgment and dismissal of plaintiff's First Amendment retaliation claim on the basis of qualified immunity. In said decision, Judge Schofield found that the right to photograph police activities was not "clearly established" in this Circuit as of July 31, 2012, which is nearly two months after the date of incident in our case. This is in addition to the Mesa, Ortiz, Goodman and Lawson decisions previously cited to the Court in the summary judgment briefing and/or letters thereafter, which stand for the same proposition as of the dates of incidents in those cases.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Mark D. Zuckerman
Senior Counsel

cc: Alexis Karteron, Esq. (via ECF)